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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,841	04/21/2000	Khoi Phan	E0806	6614

7590 11/08/2004
Himanshu S Amin
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Cleveland, OH 44114

EXAMINER

REKSTAD, ERICK J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/553,841

Applicant(s)

PHAN ET AL.

Examiner

Erick Rekstad

Art Unit

2613

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
10. ☐ Other: _____

CHRIS KELLEY

SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2613
ENTER 26

Continuation of 5. does NOT place the application in condition for allowance because: In regards to applicant's arguments related to the rejection of claims 1, 2, 4, 6 and 13 under 35 U.S.C 102(b). The applicant argues that the apparatus of Batchelder does not teach a develop chamber with an image collector, located at least partially therein, that collects energy reflected from inside the develop chamber and transmits a signal indicative of the interior of the chamber. As stated in the rejection, Figure 1 teaches the diagrammatic illustration of the developer. As these parts are contained in an apparatus, this apparatus is considered a chamber. The photodetector is an image collector which collects energy reflected from inside the develop chamber. The collected light is light that is reflected (scattered back) from the wafer which is inside the develop chamber. The signal from the photodetector is a signal indicative of the interior of the chamber as it is a signal based on the wafer which as stated previously is inside the develop chamber. In regards to the U.S.C 103(a) rejection of claims 1-3, 5-7, 10-12 and 15-23 the applicant argues there is no suggestion or motivation to modify Sanada in view of Ogata. As stated in the rejection, Sanada teaches the a system for visually monitoring a spin coating process. Sanada further teaches the benefit of such a system for precluding an improper coating process from being applied to all succeeding wafers (Col 28 Lines 1-3). This further suggests the benefits of the coating system of Sanada. Further, Ogata is used only to show that a coating unit is also a developing unit. Therefore the combination of Sanada and Ogata is obvious to one of ordinary skill not only because of the benefits shown above but because the system of Sanada is an example of a unit that would be used by Ogata.